



# Senate

General Assembly

**File No. 711**

January Session, 2017

Substitute Senate Bill No. 1005

*Senate, April 25, 2017*

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING TECHNICAL CHANGES TO STATUTES IN THE PENAL CODE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 53a-100 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2017*):

4 (a) The following definitions are applicable to this part: (1)  
5 "Building" in addition to its ordinary meaning, includes any  
6 watercraft, aircraft, trailer, sleeping car, railroad car or other structure  
7 or vehicle or any building with a valid certificate of occupancy. Where  
8 a building consists of separate units, such as, but not limited to  
9 separate apartments, offices or rented rooms, any unit not occupied by  
10 the actor is, in addition to being a part of such building, a separate  
11 building; (2) "dwelling" means a building which is usually occupied by  
12 a person lodging [therein] in such building at night, whether or not a  
13 person is actually present; (3) "night" means the period between thirty

14 minutes after sunset and thirty minutes before sunrise; and (4) "public  
15 land" means a state park, state forest or municipal park or any other  
16 publicly-owned land that is open to the public for active or passive  
17 recreation.

18 Sec. 2. Subsection (a) of section 53a-100aa of the general statutes is  
19 repealed and the following is substituted in lieu thereof (*Effective*  
20 *October 1, 2017*):

21 (a) A person is guilty of home invasion when such person enters or  
22 remains unlawfully in a dwelling, while a person other than a  
23 participant in the crime is actually present in such dwelling, with  
24 intent to commit a crime [therein] in such dwelling, and, in the course  
25 of committing the offense: (1) Acting either alone or with one or more  
26 persons, such person or another participant in the crime commits or  
27 attempts to commit a felony against the person of another person other  
28 than a participant in the crime who is actually present in such  
29 dwelling, or (2) such person is armed with explosives or a deadly  
30 weapon or dangerous instrument.

31 Sec. 3. Subsection (a) of section 53a-101 of the general statutes is  
32 repealed and the following is substituted in lieu thereof (*Effective*  
33 *October 1, 2017*):

34 (a) A person is guilty of burglary in the first degree when (1) such  
35 person enters or remains unlawfully in a building with intent to  
36 commit a crime [therein] in such building and is armed with  
37 explosives or a deadly weapon or dangerous instrument, or (2) such  
38 person enters or remains unlawfully in a building with intent to  
39 commit a crime [therein] in such building and, in the course of  
40 committing the offense, intentionally, knowingly or recklessly inflicts  
41 or attempts to inflict bodily injury on anyone, or (3) such person enters  
42 or remains unlawfully in a dwelling at night with intent to commit a  
43 crime [therein] in such dwelling.

44 Sec. 4. Subsection (a) of section 53a-102 of the general statutes is  
45 repealed and the following is substituted in lieu thereof (*Effective*

46 October 1, 2017):

47 (a) A person is guilty of burglary in the second degree when such  
48 person enters or remains unlawfully in a dwelling, while a person  
49 other than a participant in the crime is actually present in such  
50 dwelling, with intent to commit a crime [therein] in such dwelling.

51 Sec. 5. Subsection (a) of section 53a-103 of the general statutes is  
52 repealed and the following is substituted in lieu thereof (*Effective*  
53 *October 1, 2017*):

54 (a) A person is guilty of burglary in the third degree when [he] such  
55 person enters or remains unlawfully in a building with intent to  
56 commit a crime [therein] in such building.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	53a-100(a)
Sec. 2	<i>October 1, 2017</i>	53a-100aa(a)
Sec. 3	<i>October 1, 2017</i>	53a-101(a)
Sec. 4	<i>October 1, 2017</i>	53a-102(a)
Sec. 5	<i>October 1, 2017</i>	53a-103(a)

**Statement of Legislative Commissioners:**

In Section 2, "the" was changed to "such" for consistency.

**JUD**      *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill makes technical changes and does not result in a fiscal impact.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

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**OLR Bill Analysis**

**sSB 1005**

***AN ACT CONCERNING TECHNICAL CHANGES TO STATUTES IN  
THE PENAL CODE.***

**SUMMARY**

This bill makes technical changes to the burglary and home invasion statutes.

EFFECTIVE DATE: October 1, 2017

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 32      Nay 9      (04/07/2017)